

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHRISTOPHER URQHART and AMY)	
EHLERS,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:24 CV 1465 JMB
)	
ABIOMED, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte*. On November 1, 2024, Defendant Abiomed, Inc. removed this matter from the Circuit Court of the City of St. Louis, Missouri, pursuant to this Court's diversity jurisdiction. 28 U.S.C. § 1332. Jurisdiction is a threshold requirement which may be raised at any time and by any party or the court. Gray v. City of Valley Park, Mo., 567 F.3d 976, 982 (8th Cir. 2009). See also, City of Kansas City, Mo. v. Yarco Co., Inc., 625 F.3d 1038, 1040 (8th Cir. 2010) ("Federal courts have an independent duty to determine subject matter jurisdiction, even where the matter is raised for the first time on appeal and on the court's own motion"). The burden of proving subject matter jurisdiction belongs to the Defendant, as the removing party. V S Ltd. P'ship v. Dep't of Housing & Urban Dev., 235 F.3d 1109, 1112 (8th Cir. 2000). See also, Magee v. United States, 9 F.4th 675, 680 (8th Cir. 2021) ("The burden of proving the existence of subject matter jurisdiction rests with the party invoking federal jurisdiction").

This Court has original jurisdiction over civil actions where the parties are citizens of different states and the amount in controversy is in excess of \$75,000. 28 U.S.C. § 1331(a). Defendant correctly alleges its own citizenship, noting that it is incorporated in Delaware and has

it principal place of business in Massachusetts, making it a citizen of those states. However, Defendant does not allege the citizenship of the Plaintiffs, merely their residency, which is insufficient. Hargett v. RevClaims, LLC, 854 F.3d 962, 965-966 (8th Cir. 2017).

Defendant shall file an amended Notice of Removal correcting this deficiency within 3 days of the date of this Order.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of November, 2024